

**REMARKS/ARGUMENTS**

**Status of the Claims**

Upon entry of the present amendment, claims 2-3 and 6-7 are pending. Claims 2-3 and 6-7 are amended.

Claims 2, 3 and 6 are amended to set forth that the polynucleotide is isolated. Support is found, for example, on page 16, line 29 of the specification.

Claims 6 and 7 are amended to set for a pharmaceutical formulation. Support is found, for example, on page 10, lines 2-3; and on page 12, lines 29-36.

No new matter is added by the present amendments, and the Examiner is respectfully requested to enter them.

**Foreign Priority**

The Examiner has requested a corresponding English-language translation of the priority application. In response, Applicants submit with the present amendment an English-language translation of the priority application.

**Objections to the Specification**

(1) The Examiner requested that the continuation data be set forth on the first page of the specification. In response, Applicants have amended the first page of the specification to include the continuation data set forth in the Application Data Sheet.

(2) The Examiner requested that the hyperlinker "http://" be removed from page 6, line 15. In response, Applicants have amended the paragraph on page 6, lines 5-15 to remove the hyperlinker.

(3) The Examiner requested that the phrase "antisense nucleotides" on page 7, lines 31-32 be changed to "antisense nucleotide sequences." In response, Applicants have amended the paragraph at page 7, lines 21-33 to set forth "antisense nucleotide sequences."

(4) The Examiner requested that the acronym "LACS" be spelled out in full in the abstract. In response, Applicants have spelled out "LACS" in the abstract.

**Objections to the Claims**

The Examiner objected to claim 2 for alleged lack of antecedent basis. Applicants do not agree with the Examiner. However, in the interest in furthering prosecution, Applicants have deleted item (c) from claim 2.

The Examiner objected to claims 6-7 for being directed to a pharmaceutical. Applicants do not agree with the Examiner. However, in the interest in furthering prosecution, Applicants have amended claims 6-7 to set forth a pharmaceutical formulation.

**Rejection under 35 U.S.C. § 101**

The Examiner has rejected claims 2-3 and 6-7 under 35 U.S.C. § 101, as allegedly directed to non-statutory subject matter. Applicants do not agree with the Examiner. However, in the interest of furthering prosecution, Applicants have amended claims 2, 3 and 6 to set forth an “isolated” polynucleotide. The Examiner is respectfully requested to withdraw this rejection.

**Rejection under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 2-3 and 6-7 under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. It is assumed that the Examiner’s references to claim 1 in the context of this rejection intend claim 2. Applicants do not agree with the Examiner. However, in the interest of furthering prosecution, Applicants have amended claim 2 to delete items (b) through (d), and therefore the language found objectionable to the Examiner. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**Rejection under 35 U.S.C. § 112, first paragraph, new matter**

The Examiner has rejected claims 2-3 and 6-7 under 35 U.S.C. § 112, first paragraph, for allegedly lacking support in the specification. Applicants do not agree with the Examiner. However, in the interest of expediting prosecution, Applicants have amended claim 2 to delete items (b) through (d), and therefore the language found objectionable to the Examiner. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**Rejection under 35 U.S.C. § 112, first paragraph, written description requirement**

The Examiner has rejected claims 2-3 and 6-7 under 35 U.S.C. § 112, first paragraph, for allegedly failing the written description requirement. Applicants do not agree with the Examiner. However, solely in the interest of expediting prosecution, and not out of acquiescence to the Examiner, Applicants have amended claim 2 to set forth an isolated polynucleotide encoding a protein comprising the amino acid sequence of SEQ ID NO:1. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**Rejection under 35 U.S.C. § 112, first paragraph, enablement requirement**

The Examiner has rejected claims 2-3 and 6-7 under 35 U.S.C. § 112, first paragraph, for allegedly failing the enablement requirement. Applicants do not agree with the Examiner. However, solely in the interest of furthering prosecution, Applicants have amended claim 2 to set forth an isolated polynucleotide encoding a protein comprising the amino acid sequence of SEQ ID NO:1. The Examiner acknowledges that claim 2 as amended is enabled on page 10 of the present Office Action. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**Rejections under 35 U.S.C. § 102**

**WO 01/74901 ("Stanton")**

The Examiner has rejected claims 2, 6 and 7 under 35 U.S.C. § 102(b) as allegedly anticipated by WO 01/74901 ("Stanton"). Applicants do not agree with the Examiner. However, solely in the interest of furthering prosecution, Applicants have amended claim 2 to set forth an isolated polynucleotide encoding a protein comprising the amino acid sequence of SEQ ID NO:1. The Examiner acknowledges that Stanton does not disclose or suggest an isolated polynucleotide encoding a protein comprising the amino acid sequence of SEQ ID NO:1. *See*, page 14 of the present Office Action. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Cros, et al., J Cell Biochem (2001) 83:508 ("Cros")

The Examiner has rejected claims 2, 6 and 7 under 35 U.S.C. § 102(a) as allegedly anticipated by Cros, et al., *J Cell Biochem* (2001) 83:508 ("Cros"). Applicants do not agree with the Examiner. However, solely in the interest of furthering prosecution, Applicants have amended claim 2 to set forth an isolated polynucleotide encoding a protein comprising the amino acid sequence of SEQ ID NO:1. The Examiner acknowledges that Cros does not disclose or suggest an isolated polynucleotide encoding a protein comprising the amino acid sequence of SEQ ID NO:1. *See*, page 15 of the present Office Action. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

WO 01/55326 ("Rosen")

The Examiner has rejected claims 2, 6 and 7 under 35 U.S.C. § 102(b) as allegedly anticipated by WO 01/55326 ("Rosen"). Applicants do not agree with the Examiner. However, solely in the interest of furthering prosecution, Applicants have amended claim 2 to set forth an isolated polynucleotide encoding a protein comprising the amino acid sequence of SEQ ID NO:1. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayments to Deposit Account No. 20-1430.

Respectfully submitted,



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